

### **REMARKS**

The Office Action dated August 2, 2007 has been received and carefully noted. The above amendments to the specification and claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1, 9, 11, and 16-18 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 2 and 12 have been cancelled without prejudice or disclaimer. Therefore, claims 1, 3-11, and 13-18 are currently pending in the application and are respectfully submitted for consideration.

Claims 2-6 and 12 were objected to as being dependent upon a rejected base claim but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant wishes to thank the Examiner for the indication of allowability of these claims.

The Office Action objected to the specification because the abstract contains legal words "said." The abstract has been amended to replace the terms "said" with "the." Thus, the objection to the specification is rendered moot.

Claim 17 was rejected under 35 U.S.C. 101 for allegedly being directed non-statutory subject matter. The preamble of claim 17 has been amended to recite "a computer program embodied on a computer-readable medium comprising program code means configured to control a processor to perform scheduling data packets in time-shared channels, said scheduling comprising." As such, Applicant requests that the rejection of claim 17 be withdrawn.

Claims 1, 8, 10 and 11 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,917,812 to Damnjanovic (Damnjanovic). Claims, however, 2-6 and 12 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

As mentioned above, claims 2 and 12 have been canceled. Claims 1 and 11 have been amended to include the limitations of claims 2 and 12, respectively. Claims 16-18 have been amended in a similar manner. Claims 3-10 are dependent upon claim 1, and claims 13-15 are dependent upon claim 11. Accordingly, Applicant respectfully submits that claims 1, 3-11, 13-15, and 16-18 are now in condition for allowance.

Claims 7, 9, and 13-15 under 35 U.S.C. 103 as being unpatentable over Damnjanovic in view of U.S. Patent No. 6,337,860 to Wicklund (Wicklund) and further in view of U.S. Patent Publication No. 2003/0101274 to Yi et al. (Yi). The Office Action took the position that Dmanjanovi discloses some of the aspects of claims 7, 9, and 13-15. The Office Action then cited Wicklund and Yi to cure the deficiencies of Damnjanovic. As discussed above, claims 2 and 12 have been canceled. Claims 1 and 11 have been amended to include the limitations of claims 2 and 12, respectively. Claims 7, 9, and 13-15 are dependent upon independent claims 1 and 11. Thus, Applicants respectfully submit that the rejection of claims 7, 9, and 13-15 is rendered moot.

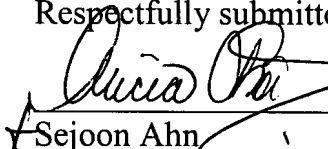
For at least the reasons discussed above, Applicant respectfully submits that all of the issues raised in the Office Action have been addressed and overcome. Therefore, all

of claims 1, 3-11, 13-15, and 16-18 contain allowable or allowed subject matter and should be in condition for allowance. As such, Applicant respectfully requests that a timely notice of allowance be issued in this case.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

  
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